

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Section 68.4 of the Commission's Rules)	
Governing Hearing Aid-Compatible)	
Telephones)	WT Docket No.01-309
)	
T-Mobile USA, Inc. Petition for Waiver of)	
Section 20.19(C)(3)(i) of the Commission's)	
Rules)	

**REPLY COMMENTS OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (TIA) hereby submits reply comments to the Federal Communications Commission (Commission) in response to the Petition for Waiver of Section 20.19 (c)(3)(i) of the Commission's Rules filed by T-Mobile USA, Inc. ("T-Mobile").¹ In particular, TIA files these reply comments both to support T-Mobile's Petition and to clarify and accurately update the record in response to comments filed in support of the T-Mobile Petition by Self Help for Hard of Hearing People ("SHHH").²

TIA is a leading trade association for the information and communications technology (ICT) industry, with 600 member companies that manufacture or supply the products and services used in global communications. TIA represents its members on the

¹ T-Mobile USA, Inc. Petition for Waiver, WT Docket No. 01-309, filed Aug. 26, 2005 ("T-Mobile Petition").

² Comments of SHHH in WT Docket No. 01-309, filed Aug. 30, 2005.

full range of public policy issues affecting the ICT industry and forges consensus on industry standards. Among their numerous lines of business, TIA member companies design, produce, and deploy network and terminal equipment, including wireless handsets that are the subject of the Commission's Hearing Aid Compatibility ("HAC") requirements. As a result, TIA has a substantial interest in Commission decisions related to its HAC requirements.

In its Petition, T-Mobile asked the FCC for a 60 day waiver of Section 20.19(c)(3) to allow it to make available the required four 1900 MHz handsets meeting a U3 or higher interference rating. T-Mobile explained that such an extension was necessary "[d]ue to unique and unusual factual circumstances beyond [its] control" and that to this point only two of the handsets it relied on to meet the requirement that it have four HAC handsets available by September 16, 2005 have been found to comply with the FCC's HAC standard and have received equipment authorization grants. T-Mobile states that it is attempting to secure other HAC compliant handsets from its vendors but that it will need additional time to test and deploy these handsets and ensure timely distribution to its stores.

With the grant of the Cingular Wireless Petition for Waiver in this docket,³ TIA fully supports and urges the grant of the T-Mobile Petition as well. TIA greatly appreciates the Commission's action on the Cingular petition, as grant of these two petitions will allow the wireless industry to move forward with providing HAC solutions

³ Cingular Wireless, LLC, Petition for Waiver, WT Docket No. 01-309, filed Aug. 5, 2005 ("Cingular Petition");

while at the same time providing time to resolve outstanding issues and challenges with the standard.

On August 30, SHHH submitted comments generally in support of T-Mobile's Petition.⁴ In those comments, however, SHHH made several assertions that seem to have mischaracterized the level of effort and commitment that handset manufacturers have engaged in to meet the Commission's HAC requirements. TIA takes this opportunity to provide information for the record detailing its members' commitment to meet these requirements and to resolve any and all unforeseen challenges to doing so.

SHHH states that the T-Mobile Petition is "the second surprise related to testing performed according to the ANSI C63.19 standard that has led to a request for a waiver of the HAC rules, the first being Cingular's, on August 5th, 2005" and that "[a]ll this has occurred in the last minute lead-up to the implementation of the Commission's HAC rules due September 16, 2005."⁵ SHHH goes on to state that they have decided to support the waiver requests of Cingular and T-Mobile "because we see they have been caught" and that "[i]t appears that the carriers have very little leverage with their vendors in getting what the law requires."⁶

While it is true that the issues raised in the T-Mobile petition were only recently discovered, challenges with achieving compliance with the minimum HAC requirements for all technologies including GSM in the 850/1900 MHz band were continuously raised in bi-annual Reports to the FCC. In the November 2004 HAC Status Report, ATIS stated

⁴ SHHH supported the 60-day extension request as reasonable, but sought to ensure that T-Mobile roll out the two HAC compliant phones it has received by the September 16 deadline. SHHH Comments at 3.

⁵ SHHH Comments at 2.

⁶ *Id.*

that “as part of this “fast track” process, the Incubator formed the test plan working group (WG-4) to evaluate the C63.19 Standard and to ensure the test methods defined in the C63.19 Standard are repeatable and reproducible. AISP.4-HAC has submitted 39 changes against Version 2.0, 111 changes against Version 2.8, and 41 changes against Version 3.1 of the C63.19 Standard. These submitted changes have resulted in over 400 comments from the balloting group. Unexpected challenges associated with attempting to develop repeatable processes within labs along with reproducible test results, while trying to determine handset compliance to a measurement standard that was in such a state of flux, was not feasible to the current standard as written. As a result of these measurement uncertainties and standard interpretations, trial measurements published in the November 2004 Status Report show that labs measuring the same handset device were varying in ratings by 2-3 categories in some cases. Devices measured by one lab were an M1, while the same devices measured M3 in another lab.

Manufacturers have continued to raise the concerns about the C63.19 Standard and have brought these issues up to the FCC and ANSI Committees through comments and change requests during balloting processes. Many of these concerns remained unresolved as late as this summer and were called out in the Hearing Aid Compatibility Status report #3 submitted by ATIS to the Commission on May 17, 2005. Further, because earlier opportunities were not permitted, ATIS and other parties commented in the ANSI public review period ending June 20th on concerns with the Status of the Fast-Track Process. As late as August 1, 2005, ANSI had not responded to the comments raised in the review period. Therefore, contrary to the implication suggested in the

SHHH comments, manufacturers have not waited until the last minute to raise issues with the Commission, and with ANSI, except to the extent that they have been forced to. Rather, in a fluid and ever-changing environment where fundamental technical issues have been discovered with a standard that was only recently adopted (and was not originally intended to be a build-to standard), manufacturers have had to deal with unforeseen challenges as they have been discovered, all the while trying to build products to meet a fast approaching deadline. Manufacturers have been deeply involved in working with carriers and other stakeholders (including SHHH) in the ATIS AISP.4-HAC Technical Incubator, along with subcommittee working groups like WG 4, 6, 8, and 9 to resolve the aforementioned issues.⁷ In addition, manufacturers have openly shared their efforts at providing compliant solutions with the FCC and the public.⁸ Manufacturers have taken the HAC mandate very seriously and have dedicated thousands of man-hours and millions of dollars to designing, developing, and testing existing and new products to the required hearing aid compatibility standard as defined by the FCC. This dedicated effort is achieved through the 36 Manufacturers and Carriers that make up the ATIS AISP.4-HAC Incubator voting members.

⁷ In addition to working with stakeholders in the ATIS Incubator, TIA and many of its members have partnered with SHHH in various research products. TIA had a booth at the recent SHHH convention and its members and other ATIS Incubator manufacturers and carriers had operating equipment for SHHH conference participants to use and company experts to answer questions. In addition, the Incubator conducted testing on GSM equipment; a manufacturer of handsets conducted its own research on its products; and a carrier and vendor joined with Nielsson Research to conduct market research with SHHH conference attendees. These partnerships demonstrate the commitment that the wireless industry has and is making to find solutions for persons with hearing disabilities to use the full range of wireless products.

⁸ See Ex Parte Presentation of Sony Ericsson Mobile Communications, Motorola, Inc. and Nokia, Inc. in WT Docket No. 01-309, filed April 29, 2005; Nokia Ex Parte Presentation in WT. Docket No. 01-309, filed June 2, 2005.

The challenges with meeting the HAC requirements are industry-wide issues caused by fundamental technical facts and a rush to mandate an incomplete standard that has since proven to be a poor predictor of usability.⁹ These challenges are not the result of any actions, or lack thereof, by manufacturers. No amount of “leverage” by any party in this equation could have changed the factors that led to these challenges. TIA and its member companies share the frustration of SHHH and the other HAC stakeholders that these unforeseen challenges will prevent the wireless industry from achieving full compliance by the September 16 deadline. However, as noted above, all industry stakeholders have been actively and cooperatively engaged in trying to ensure that challenges identified with meeting the HAC requirements are addressed and resolved as expeditiously as possible.

Respectfully submitted,



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September 8, 2005

⁹ See Motorola *Ex Parte* Presentation in Wt. Docket No. 01-309, filed Jan. 31, 2003 (explaining that some hearing aid users using phone models that rated well under the ANSI standard still experienced significant interference); Nokia *Ex Parte* Presentation in WT Docket No. 01-309, filed July 3, 2003 (explaining that while several Nokia handsets had achieved U3 ratings, Nokia was not confident that any results it have obtained are reliable indicators of the handsets’ true performance or usability).